

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION

James Peter Burnie et al.

Application No. 10/054,968

Filed: January 25, 2002

Title: *TREATMENT AND DIAGNOSIS OF INFECTIONS OF GRAM POSITIVE COCCI*



Group Art Unit: unassigned

Examiner: unassigned

* * * * *

SECOND REQUEST FOR SEQUENCE LISTING IN PARENT APPLICATION
TO BE ENTERED INTO PRESENT APPLICATION

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

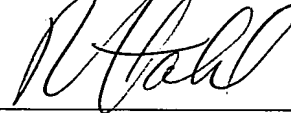
In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants respectfully request for the computer readable form of the sequence listing, filed on July 14, 2000, as contained in the parent application, U.S. Serial No. 09/214,307, be transferred to this application. Please note that Applicants are requesting the computer readable form be transferred from a different parent application than requested on May 28, 2002.

Applicants attach a copy of the Statement to Support Filing of Sequence Listing with a paper copy of the sequence listing, as previously filed, and respectfully request that the sequence listing be entered into the above application.

If the Office has any questions pertaining to this submission, it is requested that the undersigned be contacted so that prosecution of this application may be expedited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Robert W. Hahl

Registration No. 33,893

1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000
(703) 905-2500 Facsimile
Attorney Reference: 050885/0290403
Date: September 3, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Burnie et al.
 Appln. No.: 10

Filed: January 25, 2002

Hon. Commissioner of Patents
 Washington, D.C. 20231

Sir:

REPLY/AMENDMENT/LETTER

Group Art Unit (Unassigned)
 Examiner: (Unassigned)
 Atty. Dkt. P 0290403

Appln. Title: Treatment and Diagnosis of Infections of
 Gram Positive Cocci

Date: September 3, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

- A. ☒ NOT made
 B. ☐ Withdrawn
 C. ☐ made herewith
 D. ☐ made previously
- For B & C
 See **Required
 Separate Paper
 (Pat-256)**

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	**minus 0	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	***minus 0	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)			add	+ \$280/\$140 =	+ \$0 104/204
5. Original due Date: September 17, 2002		<input type="checkbox"/> NONE			
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$110/\$55 = (2 mos) \$400/\$200 = (3 mos) \$920/\$460 = (4 mos) \$1,440/\$720 = (5 mos) \$1,960/\$980 =	+ \$0		115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract			- \$0		
8.			Extension Fee	+ \$0	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee			+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c),			add + \$180	+ \$0	126
or if Rule 97(d) Request			add + \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r)			+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b)			x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)			+ \$740/370	+ \$0	1179/1279
14. Petition fee for				+ \$0	
15.			TOTAL FEE =	\$0	

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

PLEASE CHARGE
 DEPOSIT ACCOUNT

CHARGE Deposit Account No. 03-3975

Our Order No. 050885 0290403

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT **does not authorize** charge of the **issue fee** until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
 Intellectual Property Group

By Atty: Robert W. Hahl

Sig:

P.O. Box 10500
 McLean, VA 22102
 Tel: (703) 905-2000

Atty/Sec: RWH/kmh

Reg. No. 33,893

Fax: (703) 905-2500
 Tel: (703) 905-2251

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Burnie et al.

Appln. No.: 10

Series Code ↑

Filed: January 25, 2002

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

REPLY/AMENDMENT/LETTER

Group Art Unit (Unassigned)

Examiner: (Unassigned)

Atty. Dkt. P 0290403

M#

Client Ref

Appln. Title: Treatment and Diagnosis of Infections of
Gram Positive Cocci

Date: September 3, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previously

For B & C
See **Required**
Separate Paper
(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	**minus 0	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	***minus 0	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)			add	+ \$280/\$140 =	+ \$0 104/204
5. Original due Date: September 17, 2002		<input type="checkbox"/> NONE			
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$110/\$55 = (2 mos) \$400/\$200 = (3 mos) \$920/\$460 = (4 mos) \$1,440/\$720 = (5 mos) \$1,960/\$980 =	+ \$0		115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract			- \$0		
8.			Extension Fee	+ \$0	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee			+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c),			+ \$180	+ \$0	126
or if Rule 97(d) Request			+ \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r)			+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b)			x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)			+ \$740/370	+ \$0	1179/1279
14. Petition fee for				+ \$0	
15.			TOTAL FEE =	\$0	
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".					
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.					
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.					
			PLEASE CHARGE DEPOSIT ACCOUNT		

CHARGE Deposit Account No. 03-3975

Our Order No. 050885 0290403

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT **does not authorize** charge of the **issue fee** until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

By Atty: Robert W. Hahl

Sig:

Reg. No. 33,893

Fax: (703) 905-2500

Tel: (703) 905-2251

P.O. Box 10500
McLean, VA 22102
Tel: (703) 905-2000

Atty/Sec: RWH/kmh

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/054,968	01/25/2002	James Peter Burnie	P 0290403 45628

909
PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102



CONFIRMATION NO. 8442

FORMALITIES LETTER



OC00000008463427

Date Mailed: 07/17/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A request to transfer the computer readable form from another application on file at the U.S. Patent and Trademark Office has been submitted as permitted by 37 C.F.R. 1.821(e). However, the request cannot be complied with since there is no compliant CRF present at the United States Patent and Trademark Office. Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE